

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Tuesday, February 19, 2013 at  
5:30 P.M.**

**Council President Christopher T. Semonelli, Presiding**

**Vice President Robert J. Sylvia**

**Councillor Richard P. Adams**

**Councillor Paul M. Rodrigues**

**Councillor M. Theresa Santos**

**Councillor Barbara A. VonVillas, Members Present**

**Councillor Bruce J. Long, Absent**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

## **RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

**There were no reconsiderations.**

## **5:30 P.M. – INTERVIEWS PLANNING BOARD VACANCIES**

### **1. Interviews**

**5:30 pm Interview - Betty Jane Northup-Owen**

**5:40 pm Interview - Charlene A. Rose-Cirillo**

**5:50 pm Interview - John L. Ciummo**

**6:00 pm Interview - Matthew Sullivan**

**6:10 pm Interview - Arthur S. Weber, Jr.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and begin interviews.**

**Candidates for the Planning Board were interviewed in open session; applicant's interviews began at 5:30 pm with 1) Betty Jane Northup-Owen, 2) Charlene A. Rose-Cirillo, 3) John L. Ciummo, 4) Matthew Sullivan and 5) Arthur S. Weber, Jr.**

**All applicants responded to the following questions:**

- 1. Why do you want to be on the Planning Board?**
- 2. Are you available for meetings?**
- 3. What length of term are you applying for?**

**Town Council President Semonelli noted that the appointments to the Planning Board will be made at the next Regular meeting of the Council to be held on March 4, 2013.**

**Some applicants gave personal background, experience with the board and how their personal work experience would aide them if appointed to the board.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:10 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 6:30 pm.**

## **6:30 P.M. – NAVY LAND SURPLUS PROPERTY-UPDATE**

**2. Presentation by Town Administrator of Navy Land Surplus property – update, including property transfer options, estimated or defined timeline for property to be released and matters related thereto. (No documentation)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin said presentation.**

**Town Administrator Shawn Brown referenced the Property Transfer Process, entered here:**

**Mr. Brown reviewed the Midway Pier/Greene Lane Park and Former Navy Lodge Parcel projects.**

**Town Administrator Shawn Brown reviewed the BRAC 2005-Naval Station Newport Surplus Lands Reuse Planning Process Timeline, entered here:**

**Discussion centered around whose responsibility it will be for maintenance of the park, maintenance agreement with DEM, opportunities for revenue stream at the park, zoning at the park and former Navy lodge area, railway along Burma Road and potential**

**tourist destination.**

**Town Council President Semonelli thanked all citizens, Public Officials and Town Employees for their efforts with the snow storm.**

## **PUBLIC FORUM SESSION**

**3. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

**No one spoke during this session.**

## **PRESENTATIONS**

**4. Resolution of the Council, re: Commendation for the Middletown High School Girls Soccer Team.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.**

**Council President Semonelli presented the commendation to the Coaches and High School Girls Soccer Team.**

**5. Resolution of the Council, re: Commendation for the Middletown High School Boys Football Team.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.**

**Council President Semonelli presented the commendation to the Coaches and High School Boys Football Team.**

**6. Email communication of Carmela Geer, Secretary Committee for Arts, re: Recognition of winners of the Town's Beach sticker contest.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said email communication.**

**Diane Kerins, representing the Middletown Arts Committee, addressed the Council concerning the Committee's First Annual Middletown Beach Sticker Competition. Ms. Kerins recognized the following winners of the competition.**

**1. Julian DeLacruz, who designed the 2013 Third Beach Sticker**

- 2. Katherine Cawley, who designed the 2013 Second Beach Resident Sticker**
- 3. Rene Lewis, who designed the 2013 Non-Resident Beach Sticker**

**All were presented with a plaque.**

**Town Council President Semonelli noted that item #24 will be continued to the next regular meeting of the Council.**

**Councillor Santos requested that items #8 and #9 be heard under the regular portion of the docket.**

## **CONSENT**

- 7. Approval of Minutes, re: Regular Meeting, February 4, 2013.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve said minutes.**

**8. Memorandum of Town Administrator, re: Inquiry- Accounts Receivable.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor Santos thanked the Town Administrator for the response to her inquiry at the last meeting. Ms. Santos noted concern with individuals not registering their vehicles in the proper town.**

**9. Communication of Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.**

**Councillor Santos inquired if there is a way to screen exemptions before placing them on the tax roll?**

**Town Administrator Shawn Brown, responding to Councillor Santos, noted that the Tax Assessor is working with the Naval Base to correct the problem.**

**10. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.**

**11. Resolutions and Email Communications from Rhode Island Cities and Towns, re: Request support Contract Continuation - in opposition to any and all legislative proposal that would mandate expired teacher contracts must continue at the existing terms and conditions, Binding Arbitration - to oppose and reject any and all mandatory binding arbitration legislation being considered for teacher and other school employee contracts and Layoff Notification Date.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said resolutions and Email Communications.**

**12. Applications three (3) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event permits.**

**13. Email communication of Vin Mesolella, Providence, RI, re: Requesting to postpone 1747 West Main Road, CCVD II public hearing to June 2013. (Public Hearing has not been advertised; abutters have not been notified of March 4, 2013 date)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said email communication and schedule public hearing to the June 3, 2013 Regular meeting of the Council.**

**14. Adoption of proposed budget schedule.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adopt said budget schedule.**

**PUBLIC HEARINGS**

## **15. Public Hearing (Advertised; Abutters notified)**

**Application of McDonald's Restaurant, 288 East Main Road, for Additional Hours of Operation License for the 2012-2013 licensing year. (NEW)**

**Public Hearing was declared open.**

**There being no person present desiring to be heard, public hearing was declared closed.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license.**

**Councillor Rodrigues requested that applicants for Additional Hours**

**of Operation Licenses state anticipated hours on their applications.**

**16. Memorandum of Town Planner thru Town Administrator, re: FY2013 CDBG Application – 1st Public Hearing.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**17. Public Hearing (Advertised)**

**Town of Middletown application for FY2013 Small Cities Community Development Block Grant (CDBG) program for a certain project, in an amount not to exceed \$300,000.**

**Public Hearing was declared open.**

**Town Administrator Shawn Brown noted that Church Community Housing assists the Town with the CDBG application.**

**Stephen P. Ostiguy, Executive Director, Church Community Housing Corporation, addressed the Council noting that this public hearing is the first of two. Mr. Ostiguy requests that the Town of Middletown make a 2013 CDBG application for the following activities:**

**Susan Schenck, Chief Operating Officer representing East Bay Action Program, requested support for the operating budget for the health and dental program.**

**Berniece Clohecy, Assistant Director of Head Start, noted that all the families served by the Head Start program are low income. Ms. Clohecy requests support for upgrading the doors at the Joel Peckham School for safety.**

**Debbie Bailey, representing the Boys & Girls Club, addressed the**

**Council explaining that at the Oxbow site funding is needed to continue the programs.**

**Jennifer Barrara, Director Lucy's Hearth, addressed the Council requesting support for Lucy's Hearth general operating expenses.**

**Church Community Housing Executive Director Stephen P. Ostiguy noted Child & Family Services is requesting funding for subsidizing a program to train certified nurse assistants. Mr. Ostiguy reviewed the communications, entered here:**

**Council President Semonelli read the following communication into the record.**

**There being no person present desiring to be heard, public hearing was declared closed.**

## **ORDINANCES**

### **18. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code, Chapter 75, Traffic Schedules.**

**Dan Prescott, 424 Wolcott Avenue, spoke in opposition to the ordinance and requests the Council delay action to allow him time to speak with the Town Engineer regarding this amendment.**

**Council noted that there will be a reading on this amendment to be held on March 4, 2013.**

**Council President Semonelli noted receipt of a fax from Mr. and Mrs. Chester A. Kunz, Jr., entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said ordinance on its first reading.**

**19. Memorandum of Tax Assessor, thru Town Administrator, re:  
Change to Middletown Ordinance 34.50.**

**Town Administrator Shawn Brown reviewed the memorandum,  
entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**20. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of  
Middletown, Title III Administration, Chapter 34, Taxes, Section 34.50,  
Exemption of Certain Non-Profit Organizations.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said ordinance on its first reading.**

## **OTHER COMMUNICATION**

**21. Communication of Paul LaMond, Chair Middletown Tree Commission, re: Proposing changes in one section of the Town's Tree Ordinance.**

**Tree Commission Chair Paul Lamond reviewed the communication, entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to request the Town Solicitor to review requested changes to the Town's Tree Ordinance.**

**Town Solicitor Michael W. Miller explained that the ordinance amendment will be consistent with Rhode Island State Law.**

## **TOWN COUNCIL COMMUNICATIONS**

### **22. (Continued from Regular Meeting, February 4, 2013)**

**Email communication from Burrillville Town Clerk, with enclosures, re: Resolution in support of deleting the option of straight party voting by means of a single mark in non-primary elections.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously continue this matter to the next Regular Meeting of the Council to be held on March 4, 2013.**

**23. Email communication of Harry L. Staley, Chairman, RI Taxpayers, West Warwick, Rhode Island, with enclosure, re: Requesting Council to pass resolution to eliminate present voting machine Master Lever in all future elections.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously continue this matter to the next Regular Meeting of the Council to be held on March 4, 2013.**

**24. Memorandum of Councillor Adams, re: Elimination of Straight Party Voting in Rhode Island.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously continue this matter to the next Regular Meeting of the Council to be held on March 4, 2013.**

**25. Resolution of the Council, re: In support of 2013- S0044 and 2013 – H5072 to delete the option of single party voting by means of single mark in non-primary elections.**

**Councillor Adams noted that communications have been received from other City and Town Councils in support of the above legislation. Mr. Adams noted his support of the above mentioned bills and that Senator DiPalma co-sponsored the senate bill.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously continue this matter to the next Regular Meeting of the Council to be held on March 4, 2013.**

**26. Memorandum of Councillor Adams, re: Two Mile Corner Redesign Referral to Planning Board.**

**Councillor Adams reviewed the memorandum, entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor Rodrigues questioned if the redesign is too early, due to the upcoming West Side Master plan.**

**Town Administrator Shawn Brown, responding to Councillor Rodrigues, explained that RIDOT and VHB were given all data regarding the West Side Master Plan and are aware of changes. All were factored in when reviewing the intersection.**

**Councillor Adams noted the AIPC studies along with many other traffic studies regarding the area. Mr. Adams explained that the Planning Board is the best vehicle for review of the Two Mile Corner redesign and all concerns can be brought up at the public hearings.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to refer the Two Mile Corner Redesign to the Planning Board and follow the schedule as outlined in the above**

**memorandum.**

## **TOWN ADMINISTRATOR COMMUNICATIONS**

**27. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award – Precast Concrete Restrooms at the Berkeley Peckham School.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**28. Resolution of the Council, re: Award of contract for Precast Concrete Restrooms at the Berkeley Peckham School.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.**

**29. Memorandum of MPC Coordinator, re: Request to Submit STOP Grant.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize the Middletown Prevention Coalition to submit the FY13 STOP Act Grant (Sober Truth On Preventing Underage Drinking Act Grant).**

## **APPOINTMENTS TO BOARDS & COMMITTEES**

**30. Appointment of four (4) members to the Planning Board; three (3) for terms expiring February 2016 and one (1) to complete a term expiring February 2014.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously continue this matter to the next Regular Meeting of the Council to be held on March 4, 2013.**

**31. Appointment of one (1) member to the Economic Development Advisory Committee for a term expiring January 2016.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint J. Michael Hill to the Economic Development Advisory Committee for a term expiring January 2016.**

**32. Appointment of one (1) member to the Committee for the Arts for a term expiring April 2015.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Jill Armstrong to the Arts Committee for a term expiring April 2015.**

**33. Appointment of Tree Warden for the 2013 calendar year.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Alan Kirby as Tree Warden for the 2013 calendar year.**

**34. Email communication of Richard Price, re: Resignation from the Middletown Wind Turbine Committee.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said email communication and accept resignation with regret.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 8:17 p.m.**

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**Wendy J.W. Marshall, CMC**

**Council Clerk**

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